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TAGS: [IAEA](#) [AROC](#) [ENRG](#) [KNNP](#) [MNUC](#) [TRGY](#) [SY](#) [IS](#)
SUBJECT: IAEA/SYRIA: THE CASE OF THE MISSING REACTOR

Classified By: CDA, GEOFFREY R. PYATT FOR REASONS 1.4 (h)

Summary, Guidance Request and Recommendation

¶1. (S) The Syria Al-Kibar nuclear-reactor storm passed quickly over Vienna the week of April 21 when the USG made public information about the reactor and the Israeli attack, and briefed the IAEA Secretariat on our information. Syria immediately circulated a letter to Arab Group members denying there was a nuclear reactor and reminding them of U.S. intelligence failures in Iraq. In a press release, DG ElBaradei expressed his unhappiness about both the Israeli attack and the delay in informing the Secretariat. However, he took the allegations on Syria seriously, cited a potential safeguards violation, and promised an investigation. The press quickly lost interest in a story they had initially reported last September and like-minded Vienna missions are now wondering what action, if any, the Board should take.

¶2. (S) The next Board of Governor's meeting will be held in Vienna June 2-6. Even if the Secretariat does not formally add Syria to the meeting agenda, we expect the DG to address the issue and Board members to comment under "Any Other Business." While the U.S. could place Syria on the agenda based on our own publicly released information, such a move would be extremely controversial given Syria's denials to the Arab Group and the neuralgia occasioned by the Israeli attack. Absent a strong report from the DG, it is unlikely that we would achieve an acceptable Board decision either condemning Syria or demanding an investigation, particularly if the DG has already informed the Board that the Secretariat is investigating. Furthermore, our principal focus for the June Board will be Iran's ongoing safeguards violations and current proliferation threat. There is a potential tradeoff between aggressively pursuing the Syrian case and building Board consensus for a resolution on Iran in the June Board.

¶3. (S) Therefore, Mission recommends that we let the Secretariat's inspection play out, at least in the short term. We are confident that Safeguards DDG Heinonen's inspectors will do what they can to get to the bottom of Syria's nuclear program, and we will help them, even if our confidence in the DG's handling of Syrian non-compliance is less absolute. When inspectors reach a point at which they determine there has been a safeguards failure and/or raise major unanswered questions about Syria's nuclear activities, the Board will be informed and can act. Depending on the level of Syrian cooperation, this could take some time. In the meantime, we recommend that the U.S. provide a more detailed briefing to Board members in Vienna prior to the June Board, and that we make a strong national statement on

Syria for the record under "Any Other Business" in the June Board meeting. End Summary, Guidance Request, and Recommendation.

State of Play in Vienna

14. (S) After a flurry of excitement following the April 23 press stories confirming the existence of the Al-Kibar reactor and the Israeli attack, and the subsequent release of the video, the issue has quieted down in Vienna. The Arabs did not make any of the expected protestations following the April 23 revelations principally because, we were told, Syria immediately circulated a letter to them denying there was a nuclear reactor and reminding them of U.S. intelligence failures in Iraq. We have also heard, unsurprisingly, that the Arab Group has not discussed the Syrian issue.

15. (S) The DG issued a press release April 25 (e-mailed to Washington offices) noting the Secretariat had received the information we provided and that it will investigate its veracity. (Note: Mission is in contact DDG Heinonen and stands ready to assist on any IAEA investigations in Syria. We are encouraged by the steps the Secretariat has taken to date, which demonstrate that it is taking the matter seriously. Heinonen advised Acting U/S Rood on May 6 (reported septel) that he hoped to have something to report to the June Board, contingent on Syrian cooperation. End note.) The DG's April 25 press release made clear that Syria has an obligation to report the planning and construction of any nuclear facility. ElBaradei also took the opportunity to deplore the delay in providing the information and to point out that Israel's attack undermined the IAEA's verification efforts.

16. (S) Like-minded counterparts in Vienna wonder about the timing of the release of the information. Mission has provided all the public information available. For our closest allies, we have also provided much of the background information available to the press. We have furthermore pointed to the IAEA investigation, explaining that this is now a matter for the Secretariat to investigate and report to the Board in due course.

17. (S) To keep Syria on the front burner, we may want to consider a U.S. briefing to Board members, similar to what was provided in capitals. Many of the Vienna Missions, including Arab states, lack a clear understanding of the Syrian case or have not been briefed by capitals. A Secretariat technical briefing would be optimal, but it may take some time before the Safeguards Department is prepared to present its conclusions on the Syrian information. In the meantime, Mission will continue to draw from public domain information to explain the facts to Vienna missions.

Israel's Point of View

18. (S) Unlike Iran, Syria does not appear to pose an urgent proliferation problem. In effect, Israel has solved the proliferation problem for the international community. Israeli Ambassador Michaeli shared his personal assessment with Ambassador Schulte on May 2 that unless there was something he was not aware of, the matter could now be left to the Secretariat as "there was no horse to kill." He believed the Secretariat should conduct any technical briefing since there was "no benefit to us doing it." Michaeli further explained that Israel handled Syria in the way that it did because of the DG's unsatisfactory handling of Iran's nuclear program. He also noted that Israel had not breached any legal or safety obligations under the Convention on the Physical Protection of Nuclear Material, as some may allege, because no nuclear material had been introduced in the Syrian reactor.

A Safeguards Violation

¶9. (S) Information about a clear safeguards violation (failure to provide early design information about a nuclear facility) is now in the public domain and in the hands of the safeguards inspectors. The DG has said as much, pending verification, in his press release. Beyond the design-information violation, the public information points to the possibility of unsafeguarded nuclear material. Since a safeguards investigation is already underway, the Board does not need to call for one. Per the IAEA Statute (12C), the Board can only make a finding of non-compliance based on a report from the DG. The DG will, therefore, report to the Board on the basis of the safeguards investigation at some juncture. At the very least, for the June Board, he is likely to note in his opening remarks the receipt of information that has prompted the investigation. If Syria stonewalls in the next few weeks, the DG may note that as well. If Syria does not cooperate with the Secretariat in due course, the DG may demand a special inspection (although the Secretariat has historically been allergic to invoking its special inspection authority); if Syria refuses, the DG may bring that refusal to the Board. The Board could call on Syria to cooperate and resolve outstanding issues, but it would do so only based on a DG report.

June Board Deliberations on Syria

¶10. (S) The June 2-6 Board of Governor's meeting has a heavy agenda. The June meeting traditionally focuses on the annual Safeguards Implementation Report (SIR) which describes in general the Secretariat's safeguards conclusions for Calendar year 2008. This report is a comprehensive evaluation of the safeguards system and contains the safeguards "conclusions" about declared nuclear material remaining in peaceful use for all countries with safeguards agreements. The 2007 report only singled out Iran as a potential problem. We have been told that the report will not mention Syria by name. The SIR agenda sub-item is an opportunity for Member States to comment on the safeguards system in general.

¶11. (S) Iran also is a sub-item under the verification agenda item. Apart from consideration of the DG's latest report required by the UNSC, Mission is discussing the possibility of a long-overdue Iran resolution with like-minded and P5 1 counterparts. The June meeting could also debate major US policy initiatives, including Reliable Access to Nuclear Fuel, and the India Safeguards Agreement, although these are not yet on the agenda and may not be ready for decision at that time. In the mix, Syria will definitely be discussed, but it is unlikely that the Board will be in a position to make any decisions.

¶12. (S) If Syria were to be discussed under a specific agenda item, it would have to be placed as another sub-item under the verification item, along with the SIR, DPRK and Iran. In accordance with the Rules of Procedure for the Board of Governors, an item may be added to the agenda at the request of the Director General or by any Member of the Agency. In practice, however, the Board would look to and expect the Director General to request an agenda item on Syria. There is no recent precedent of a Member State having placed such a Safeguards item on the agenda. Some of our EU counterparts have informally discussed the idea of a Syria agenda item, and Australia has expressed particular irritation with the DG's press statement on Syria, but it is unlikely that any of them would step forward to propose a formal agenda item. UK and French Mission counterparts are inclined to leave Syria to "Any Other Business." An official in the office of Policy-Making Organs advised that there are no plans for the Direct or General to add Syria to the agenda, "for the time being."

¶13. (S) Absent a separate agenda item, the best options for coordinating statements on Syria would be under either the existing SIR item, or under the final "Any Other Business" discussion. While the latter is the traditional place for Member States to comment on the issues in the DG's opening statement which are not on the agenda, the SIR would be a

possible place to focus on the Syria's safeguards failures, in the context of the Safeguards system. (In the Iran case, several Board members and the EU made statements under "Any Other Business" following the DG's remarks in the March 2003 Board.) Either way, we and others would certainly want to support a robust investigation. Highlighting the continuing problem of undeclared nuclear facilities, we would also want to call for universalization of the additional protocol. Mission recommends approaching like-minded counterparts to coordinate such a discussion on Syria.

Potential Pitfalls: Another Osirak?

¶14. (S) As the DG's press statement demonstrates, any discussion of Syria will risk some blowback against Israel and the United States. The DG's statement views Israel's unilateral use of force "as undermining the due process of verification that is at the heart of the non-proliferation regime." In a preview of what we will hear at the Board, during a P5 1 discussion with Acting U/S Rood May 6 Russian Ambassador Zmeyevsky refused to admit there was a reactor. "If we are going to discuss this issue," he added, "we have other dimensions to address since Israel violated international law both by bombing a sovereign state and by bombing a nuclear facility under the terms of the Convention on the Physical Protection of Nuclear Material. He refused to agree with U/S Rood's point that Syria is the culprit as the result of its noncompliance. Also the Chair of the Arab group in Vienna, Algerian Ambassador Feroukhi, cautioned Ambassador Schulte on May 2 about Arab sensitivities on the U.S. singling out Syria given the "double standard" with Israel.

¶15. (S) Although Syria's continued denials that the facility in question was a nuclear reactor make it difficult to condemn Israel, Arab countries and others will seek to denounce Israel's unilateral actions and draw inevitable parallels to the 1981 Israeli bombing of the Osirak reactor in Iraq. Israeli Ambassador Michali also believes that Syrian denials would not stop Arab states from condemning Israel. Michaeli told Ambassador Schulte May 2 that Israel will be prepared to respond to any such comments on the part of Board members or the DG. If the Board eventually considers a resolution on Syrian non-compliance, the Arab group would likely insist on language denouncing Israel's unilateral action and the failure to provide the information to the IAEA sooner.

¶16. (S) Clearly, the Syrian and Iraqi cases are not commensurate. Osirak was a declared IAEA-safeguarded reactor, destruction of which prompted the Board's immediate condemnation. Times have also changed. Suspicions about Iraq's nuclear program were ultimately proven true a decade later after the Gulf War, and other cases of undeclared nuclear facilities have since surfaced in South Africa, Iran, Libya and the DPRK. The Additional Protocol, which Syria has not signed, is now available to deter undeclared facilities.

¶17. (S) The United States will not be spared in any Board discussion of the Syrian case. The DG's statement deplores the fact that the information was not provided to the Agency in a timely matter so that it may fulfill its NPT responsibilities. We can expect more of the same from the DG in any remarks to the Board and those of NAM and Arab group members. While the U.S. can argue that the information was not ours to disclose, doing so further exposes Israel to criticism. Citing U.S. concerns at the time about a disclosure prompting a Syrian counterattack, may help dampen some criticism. However, Arab states will continue to argue that Israel's "unprovoked" aggression, and by extension, U.S. "complicity", violated the UN Charter.

¶18. (S) In sum, we believe based on our extensive discussions with the IAEA Secretariat that the agency has taken our information seriously and recognized the challenge to the safeguards system that Syria represents. Given this, and of the likelihood of a trade off with other objectives

for the June BOG, we advise remaining in the background,
rather than pushing for a Syrian agenda item and resolution
at this stage.

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